
By: **Prince George's County Delegation**
Introduced and read first time: February 5, 2003
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Alcoholic Beverages Violations - Maximum Fine**
3 **PG 302-03**

4 FOR the purpose of altering the maximum fine that the Prince George's County
5 Board of License Commissioners may impose for certain alcoholic beverages
6 violations instead of or in addition to certain other penalties; making stylistic
7 changes; and generally relating to penalties for alcoholic beverages violations in
8 Prince George's County.

9 BY repealing and reenacting, without amendments,
10 Article 2B - Alcoholic Beverages
11 Section 10-401(a) and (g)
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2002 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article 2B - Alcoholic Beverages
16 Section 16-507(r)
17 Annotated Code of Maryland
18 (2001 Replacement Volume and 2002 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

21 **Article 2B - Alcoholic Beverages**

22 10-401.

23 (a) (1) In this section "issuing authority" means, as appropriate, the:

24 (i) Comptroller with respect to licenses or permits issued by the
25 Comptroller's Office; or

1 (ii) Board of license commissioners, with respect to licenses
2 approved by them, for Baltimore City or any county.

3 (2) Any license or permit issued under the provisions of this article may
4 be revoked or suspended by the issuing authority for any cause which in the judgment
5 of the official, court or board, is necessary to promote the peace or safety of the
6 community in which the place of business is situated.

7 (3) The license or permit must be revoked or suspended, except as
8 provided in § 10-402 of this subtitle, for the following causes:

9 (i) Conviction of the licensee or permittee for violation of any of the
10 provisions of the Tax - General Article that relate to the alcoholic beverage tax or the
11 provisions of this article;

12 (ii) Willful failure or refusal of any licensee or permittee to comply
13 with the provisions of the Tax - General Article that relate to the alcoholic beverage
14 tax or any provisions of this article, or any rule or regulation that may be adopted in
15 pursuance of this article or the provisions of the Tax - General Article that relate to
16 the alcoholic beverage tax;

17 (iii) Making of any material false statement in any application for a
18 license or permit;

19 (iv) Two or more convictions of one or more of the clerks, agents,
20 employees and servants of a licensee or permittee under the provisions of this article
21 or the provisions of the Tax - General Article that relate to the alcoholic beverage tax
22 of any violation on the premises subject to the license or permit, within a period of two
23 years;

24 (v) Possession upon the premises of any retail dealer other than the
25 holder of a Class E, Class F or Class G license of any alcoholic beverage upon which
26 the tax imposed by § 5-102 of the Tax - General Article has not been paid;

27 (vi) Violation of the provisions of § 12-104 of this article;

28 (vii) Willful failure of any licensee or permittee to keep the records
29 required by this article or the provisions of the Tax - General Article that relate to the
30 alcoholic beverage tax or to allow any inspections of such records by a duly authorized
31 person;

32 (viii) Possession of any alcoholic beverage which any licensee or
33 permittee other than the holder of a Class E, Class F or Class G license is not licensed
34 to sell;

35 (ix) Suspension or revocation of a permit issued to any licensee or
36 permittee by the Federal Bureau of Alcohol, Tobacco and Firearms or for conviction of
37 violating any federal laws relating to alcoholic beverages; and

1 (x) Failure to furnish bond as required by this article within fifteen
2 days after notice from the Comptroller.

3 (4) Revocation and suspension of licenses is also authorized for such
4 other offenses as specified in other parts of this article.

5 (g) (1) This subsection applies only in Prince George's County.

6 (2) (i) The term "conviction" in this subsection includes:

7 1. A verdict or plea of guilty; or

8 2. The forfeiture of a bond or collateral accepted on any
9 pending charge, warrant, or indictment before any court; or

10 3. The revocation or suspension of an alcoholic beverage
11 license by the Board because of a violation of any provision of this article or
12 regulations promulgated under it.

13 (ii) For the purpose of this subsection two or more violations
14 against the same licensee, agent, servant or employee or affecting the same premises
15 occurring on the same day shall be considered to be one offense. The provisions of this
16 subsection are applicable only to violations and offenses occurring after June 1, 1957.

17 (3) Notwithstanding any other provisions of this article, but in addition
18 to them, the Board of License Commissioners may suspend any license issued under
19 the provisions of this article for a minimum period of 30 days for:

20 (i) Any conviction of the licensee of a violation in or on the licensed
21 premises of any of the provisions of this article concerning an illegal sale of alcoholic
22 beverages on Sunday, or for two or more convictions of different clerks, agents,
23 employees or servants of a licensee under the provisions of this article for a violation
24 in or on the licensed premises of any of the provisions of this article concerning an
25 illegal sale of alcoholic beverages on Sunday.

26 (ii) The Board of License Commissioners may revoke any license
27 issued under the provisions of this article if within a period of two years any licensee
28 is convicted twice for violating in or on the licensed premises any of the provisions of
29 this article concerning an illegal sale of alcoholic beverages on Sunday, or if within
30 that period there are two convictions of the same clerk, agent, employee or servant of
31 a licensee under the provisions of this article, for any violation in or on the licensed
32 premises concerning illegal sales of alcoholic beverages on Sunday.

33 (iii) The Board of License Commissioners may revoke or suspend
34 any license issued under the provisions of this article for any conviction of the licensee
35 of any violation in or on the licensed premises of any of the laws of the State of
36 Maryland concerning gambling or gaming, or for any two convictions of one or more of
37 the clerks, agents, employees or servants of a licensee under the provisions of this
38 article of violations in or on the licensed premises concerning gambling or gaming,
39 which offenses occurred within a period of two years.

1 (4) The Board may revoke or suspend a license, whether new or by
2 transfer, when the license has not been placed in operation after a period of six
3 months from the date of the approval by the Board of the new license or transfer of
4 license.

5 (5) In addition to the above, the Board may revoke the license of a
6 licensee for:

7 (i) A felony conviction of a licensee or any stockholder of a
8 corporation having the use of an alcoholic beverages license; or

9 (ii) Closing the licensed premises for more than 30 days without the
10 Board's permission. The Board may allow a closing of the licensed premises for a
11 reasonable period of time.

12 (6) If a sole proprietorship, partnership, corporation, club, or association
13 has not complied with the residency requirements as specified in § 9-101 of this
14 article, the Board of License Commissioners may revoke or suspend the license of a
15 licensee.

16 (7) The Board may revoke, suspend, or refuse to renew the license of a
17 licensee, or refuse to issue a license to an applicant, if the licensee or applicant
18 willfully failed or refused to pay hotel/motel taxes due and owed to the county within
19 60 days after the licensee or applicant received the first notice of delinquency.

20 16-507.

21 (r) In Prince George's County the Board of License Commissioners may
22 impose a fine [of not more than \$5,000 in lieu of] **NOT EXCEEDING \$12,500 INSTEAD**
23 **OF** or in addition to suspension or revocation of a license for any violation that is
24 cause for suspension or revocation under the alcoholic beverage laws affecting Prince
25 George's County.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
27 October 1, 2003.